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CONSTITUTION AND BYLAWS OF THE SANTEE SIOUX TRIBE OF THE SIOUX NATION OF THE STATE OF NEBRASKA

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APPROVED APRIL 3, 1936

tribal council and subject to review by the Secretary of the Interior, provided such children reside on the reservation at the time they make application.

SEC. 2. Within one year after the adoption by the people and the approval thereof by the Secretary of the Interior of this constitution and bylaws, notice of such adoption and approval shall be given by mail or publication to all nonresident members of the Santee Sioux Tribe of Nebraska. All nonresident members of the Santee Sioux Tribe must give notice within two years after approval and adoption of this constitution by application or letter of their desire to continue to be members of the tribe and participate in the tribal organization; otherwise, they shall forfeit their membership. Eligible members who for good and sufficient reason fail to give notice within the time limit prescribed, may be reinstated.

SEC. 3. The administration of the foregoing powers, and of all bylaws and ordinances affecting tribal membership, shall be vested in a membership committee. The act of such committee shall be subject to review by the tribal council.

SEC. 4. *Reinstatement.*—Request for reinstatement of tribal members shall be made by written application to the membership committee whose decision shall be subject to the approval of the tribal council.

SEC. 5. *Adoption.*—Request for adoption of an Indian who is a nonmember of the tribe shall be made by written application to the membership committee who shall make recommendation to the tribal council. The decision of the tribal council shall be subject to popular vote at the next annual election.

SEC. 6. The right of the issue from the marriage of descendants with nonmembers to membership in this organization shall not apply to those having less than one-fourth degree Indian blood; provided that this section shall not apply to any such issue whose names appear on the official tribal and census rolls as of April 1, 1934, with the supplement thereto of January 1, 1935.

SEC. 7. Nothing contained in this article shall be construed to deprive any Santee Sioux Indian of any vested right.

ARTICLE III—GOVERNING BODY

SECTION 1. The governing body under this constitution and bylaws shall be known as the tribal council, composed of twelve members to be elected by the people as follows: Three members from the Santee district, three members from the Hobu Creek district, three members from the Howe Creek district, and three members from the Bazil Creek district.

SEC. 2. The first election of councilmen under this constitution and bylaws shall be called, held, and conducted within thirty days after the adoption and approval of this constitution by a provisional election committee appointed by the present tribal council in power under such rules and regulations as the said tribal council may prescribe. At the first election, councilmen shall be elected from each district for a term as follows: One councilman until the last Tuesday of September 1936; one councilman until the last Tuesday of September 1937; and one councilman until the last Tuesday of Sep-

tember 1938. Thereafter each district shall annually elect one councilman for a term of three years on the last Tuesday of September.

SEC. 3. The provisional election committee provided for in section 2 of this article shall issue an election certificate to those councilmen so elected. The councilmen after each election shall meet and organize for business and shall elect from their membership by secret ballot one chairman, one vice chairman, one secretary, and one treasurer, who shall hold office for a term of one year or until their successors are elected. Only those councilmen elected until the last Tuesday of September 1938, in the first election shall be eligible to hold office as provided for in this constitution and bylaws as chairman, vice chairman, secretary, and treasurer. At the expiration date of the tenure of office, the tribal council shall elect officers for a term of one year from their own membership and by secret ballot.

SEC. 4. The tribal council shall establish the manner of control of annual elections by ordinances.

SEC. 5. The tribal council shall have authority to appoint subordinate officers, boards, and committees.

ARTICLE IV—POWERS

SECTION 1. *Enumerated powers.*—The tribal council shall exercise the following powers, subject to any limitations imposed by the Constitution or Statutes of the United States or the State of Nebraska, and subject further to all express restrictions upon such powers contained in this constitution and bylaws.

(a) To negotiate with the Federal, State, and local Government on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Santee Sioux Reservation.

(b) To employ counsel for the protection and advancement of the rights of the tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interest in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of government, provided that no tribal lands shall ever be leased for a period exceeding ten years, sold, or encumbered, except for governmental purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the tribe and to regulate the leasing of assignments in conformity with article VIII of this constitution.

(f) To manage all economic affairs and enterprises of the tribe in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the Santee Sioux Tribe of Nebraska available funds within the exclusive control of the tribal

council and, subject to review by the Secretary of the Interior, any other available tribal funds.

(h) To levy taxes upon members of the tribe and to require the performance of reservation labor in lieu thereof, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the reservation; provided, however, that any such assessment upon members of the tribe shall have the approval of the eligible voters of the tribe at a special election provided that at least thirty per cent of the eligible voters shall vote.

(i) To purchase lands of members of the tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(j) To safeguard and promote the peace, safety, morals, and general welfare of the tribe by regulating the conduct of trade and the use and disposition of property upon the reservation, provided that any ordinance directly affecting nonmembers of the tribe shall be subject to review by the Secretary of the Interior, and provided further that nonrestricted property of members which was obtained outside of any help or assistance of the Government or the tribe may be disposed of without restrictions.

(k) To regulate the inheritance of property, real and personal, other than allotted lands within the territory of the Santee Sioux Reservation, subject to review by the Secretary of the Interior.

(l) To regulate the manner of making nominations for tribal officers and holding elections.

(m) To adopt resolutions regulating the procedure of the tribal council itself and of other tribal agencies and tribal officials.

(n) To encourage and foster the arts, crafts, traditions, and culture of the Santee Sioux Tribe of Nebraska.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of cooperative associations of members of the tribe under ordinances which shall be subject to review by the Secretary of the Interior.

(p) To protect and preserve the property, wildlife, and natural resources of the tribe.

(q) To select delegates to sit in the national council of the entire Sioux Nation.

(r) To delegate to subordinate boards, or tribal officials, or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated powers.

SEC. 2. Any resolution or ordinance which, by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall within ten days thereafter approve or disapprove the same. If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within ninety days from the date of its enactment, rescind the said ordinance or resolution for any cause, by notifying the tribal council of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days of its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the tribal council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. *Future powers.*—The tribal council may exercise such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any duly authorized official or agency of the State or Federal Government, or by individual members of the tribe.

SEC. 4. *Reserved powers.*—Any rights and powers heretofore vested in the Santee Sioux Tribe of Nebraska, but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Santee Sioux Tribe of Nebraska, through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE V—ELECTIONS

SECTION 1. All recognized members of the Santee Sioux Tribe of Nebraska twenty-one years of age and over, and who have maintained continuous residence within the reservation for a period of six months immediately prior to the date of election shall be qualified voters.

SEC. 2. Each voting district shall, in popular assembly, nominate and elect members of the district as members of the tribal council as provided for in article III, section 2. All such elections shall be made a matter of record and filed with the tribal council.

SEC. 3. Any person elected to office shall be not less than twenty-five years of age or over, a member of the Santee Sioux Tribe and a bona fide resident of the district from which elected for not less than one year preceding the date of election; provided, however, that the requirement of residence may be voided as to any particular candidate by consent of a majority of the qualified voters of the district involved at any election assembly.

ARTICLE VI—REMOVAL

SECTION 1. The removal from office of a member of the tribal council shall be as follows: In the event of a complaint in writing specifying improper conduct or neglect of duty from twenty-five members of the tribe against a member of the tribal council, it shall be the duty of the tribal council, if such complaint is considered of sufficient merit, to appoint a committee of five members of the tribe, independent of its own membership and those making such complaints, to hold a public hearing and make written report to the tribal council of its findings, a copy of such report to be furnished the accused. Upon receipt of such reports, the tribal council shall meet in executive session to consider such report and hear testimony of the accused. The tribal council shall exercise the right of re-

moving such accused officer. If the tribal council shall expel a member, that member may seek reelection at the next annual election.

SEC. 2. Temporary vacancies, by reason of death, removal from office, forced absence, or resignation, in the tribal council shall be filled by said council until the next annual election where his successor shall be elected for the duration of the unexpired term.

ARTICLE VII—REFERENDUM

SECTION 1. Any exercise of any enumerated powers lodged in the tribal council shall be subject to a referendum vote of the people upon a written petition signed by not less than 25% of the total number of voters in the last annual election, provided that not less than 30 per cent of the eligible voters voting shall vote in any such referendum.

ARTICLE VIII—LAND

SECTION 1. Allotted lands, including heirship lands, within the Santee Sioux Reservation shall continue to be held as heretofore by their present owners. This constitution does not compel any owner of an allotment or inherited land to convey his land to the tribe and it is understood that the tribal council has no power to compel any owner of such land to convey his land to the tribe. But it is recognized that under existing law, such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation by any agency of the State of Nebraska or of the Federal Government or by the tribe itself. It is further recognized that under existing law such lands may be inherited by the heirs of the present owners, whether or not they are members of the Santee Sioux Tribe. Likewise, it is recognized that under existing law, the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to lose his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Santee Sioux Tribe, either in exchange for money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands of the Santee Sioux Tribe and all lands which may hereafter be acquired by the Santee Sioux Tribe or by the United States in trust for the Santee Sioux Tribe shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

SEC. 3. Tribal lands shall not be allotted to individual Indians, but such tribal lands as are not required for school, agency, or other administrative use, may be assigned by the tribal council to members of the Santee Sioux Tribe, or may be leased or otherwise used by the tribe as hereinafter provided.

SEC. 4. Tribal lands may be leased by the tribal council with the approval of the Secretary of the Interior in accordance with law. Preference shall be given, first, to Indian cooperative associations and secondly, to individual Indians who are members of the Santee

Sioux Tribe. No lease of tribal lands to a nonmember shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

SEC. 5. In any assignment of tribal lands which are now owned by the tribe, or which may hereafter be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, or which may be designated for the use of the tribe, preference shall be given first, to heads of families which are entirely landless, and secondly, to heads of families which have no allotted lands or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land or other land or interests in land of equal value, such economic unit to be determined by the tribal council in ordinances which shall be subject to review by the Secretary of the Interior or his designated representative. Assignments under this section shall be known as "standard assignments."

No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The tribal council may, if it sees fit, charge a fee of $5.00 on approval of an assignment made under this section.

SEC. 6. Any person holding a standard assignment of land who shall for a period of two years fail to use the lands so assigned or shall use the land for any unlawful purpose, may have his assignment cancelled by the tribal council after due notice and opportunity to be heard. Such land may then be available for reassignment. Powers of ejectment, in case of refusal to vacate, shall be lodged with the superintendent of the jurisdiction and with the tribal council.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him by written request shall have preference in the reassignment of land, provided such persons are eligible to receive a standard assignment.

SEC. 7. Any member of the Santee Sioux Tribe who owns an allotment of land or any share in heirship land or any deeded land, may with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land to the tribe and receive therefor an assignment in the same land or other land of equal value, or he may receive a proportionate share in a unit of agricultural or other land.

Assignments made under this section shall be known as "Exchange assignments."

SEC. 8. Exchange assignments may be used or leased by the assignee to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to lease the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 9. Upon the death of a holder of an exchange assignment, such lands shall be reassigned by the tribal council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Santee Sioux Tribe, except that a life

assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of land. Such economic unit of land shall be determined by the tribal council.

(c) Such land may not be subdivided into units too small for practical use. The tribal council shall determine the practical subdivision of the land in each case. If the land cannot be properly subdivided, the tribal council may issue to such heir or devisee a proportionate share in other lands or other interests in land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

SEC. 10. Improvements of any character made upon assigned land may be willed to and inherited by members of the Santee Sioux Tribe. When improvements are not possible of fair divisions, the tribal council shall dispose of them under such regulations as it may provide for the benefit of such heirs. No permanent improvements may be removed from any tribal or assigned land without the consent of the tribal council.

SEC. 11. No member of the Santee Sioux Tribe may use or occupy tribal lands except under an assignment or lease.

SEC. 12. Unassigned land shall be managed by the tribal council for the benefit of the members of the entire tribe in conformity with such rules and regulations as the Secretary of the Interior may prescribe under section 6 of the act of June 18, 1934 (48 Stat. 984).

SEC. 13. Available tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Santee Sioux Tribe.

SEC. 14. Applications for assignment of land shall be made in writing. Such applications shall be submitted to the tribal council at regular or special sessions. The application will be placed in the hands of a proper committee who will call the matter up for action at the next regular meeting of the tribal council. Any member of the tribe may object in writing to a proposed assignment. In the event of objection, the chairman of the tribal council shall set a date for hearing, advising both the applicant and the objector.

After the tribal council has taken action on any assignment, any member of the tribe who is concerned in such action and who is dissatisfied therewith, may appeal to a board of review composed of the superintendent of the jurisdiction, the farmer, the social worker, and a committee appointed by the tribal council. The action of the board of review, after consultation with the tribal council and all interested parties, shall be final.

The secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the tribal council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The tribal council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

Article IX—Amendments

This constitution and bylaws may be amended by a majority vote of the qualified voters of the Santee Sioux Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, upon receipt of a written resolution of the tribal council signed by at least seven of the membership of the tribal council.

BYLAWS OF THE SANTEE SIOUX TRIBE OF THE SIOUX NATION OF THE STATE OF NEBRASKA

Article I—Duties of Officers

Section 1. The chairman of the tribal council shall preside at all meetings of the council. He shall also be the presiding officer at any general council meeting. He shall at all times have general supervision of the affairs of the tribal council and such matters as naturally pertain to the general welfare of the community. It shall also be the duty of the chairman to countersign all checks against funds of the organization by the treasurer. He shall vote only in case of a tie.

Sec. 2. The vice chairman shall preside at all meetings of the tribal council in the absence of the chairman and shall act in his stead in all matters pertaining to the office of chairman.

Sec. 3. The secretary shall keep an accurate record of all proceedings of the tribal council and furnish copies thereof to the superintendent and the Commissioner of Indian Affairs. He shall attend to the keeping of the official records of the tribal council and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the tribal council and the tribe. All official records of the tribal secretary shall be open to inspection by the members of the tribe at all times.

Sec. 4. The treasurer shall be the custodian of all funds in possession of the tribe from any source. He shall be under bond with a surety company of recognized standing in an amount to be determined by the tribal council, such surety company and bond to be approved by the Commissioner of Indian Affairs. He shall keep an accurate record of all such funds and shall disburse the same in accordance with the vote of the tribal council and as designated by this constitution and bylaws. The books of the treasurer containing the financial status of the tribe shall be open to audit and examination by the duly authorized officers of the Secretary of the Interior at all times.

The records of the treasurer shall be open to inspection by members of the tribal council and its officers.

Sec. 5. The subordinate officers, boards, and committees of the tribal council shall perform such duties as the tribal council shall, by resolution, from time to time provide.

Article II—Oath

Section 1. All officers when elected shall be duly installed and subscribe to an oath of office to support the Constitution of the United States and this constitution. Such officers may be sworn in by any officer qualified to administer an oath.

Article III—Salaries and Expenditures

Section 1. Salaries to tribal officials from funds within the exclusive control of the tribe may not be paid, nor their amount changed, unless approved by the tribe at a referendum.

Sec. 2. The members of the tribal council, boards, and committees shall be paid for expenses incurred in the interest of the tribe from funds within the exclusive control of the tribe, when previously authorized by the tribal council.

Article IV—Meetings

Section 1. Stated meetings of the tribal council shall be held the first Friday of January, April, July, and October. Called meetings shall be held at the discretion of the chairman or upon request of three members of the tribal council. Three days' written notice shall be given to all council members.

Sec. 2. Seven members shall constitute a quorum.

Sec. 3. The tribal council shall prescribe such rules of order for its meetings as it desires.

Sec. 4. The meetings of the tribal council shall be public to the tribe except all executive sessions.

Article V—Cooperation

Section 1. The tribal council shall work in very close cooperation with the Indian Service and various departments of the State of Nebraska in matters of charity, education, recreation, social work, and public health, and in land assignments with the superintendent of the jurisdiction.

Article VI—Adoption of Constitution and Bylaws

This constitution and bylaws, when ratified by a majority of the qualified voters of the Santee Sioux Tribe of Nebraska, voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved January 15, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska and was on February 29,

1936, duly ratified by a vote of 284 for, and 60 against, in an election in which over 30 per cent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74th Cong.).

DAVID FRAZIER,
Chairman of Election Board.
EARL FRAZIER,
Secretary of Election Board.

GABE E. PARKER,
Superintendent in Charge of the Reservation.

By virtue of the authority granted the Secretary of the Interior by the act of June 18, 1934 (48 Stat. 984), as amended, I do hereby approve the attached constitution and bylaws of the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or bylaws are hereby declared inapplicable to the Santee Sioux Tribe of the Sioux Nation of the State of Nebraska.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended March 27, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.
[SEAL]

WASHINGTON, D. C., *April 3, 1936.*

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